IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.624 OF 2006

IN

NOTICE OF MOTION NO. OF 2006

IN

SHORT CAUSE SUIT NO. OF 2006

ALONG WITH

CIVIL APPLICATION (STAMP) NO.627 OF 2006

Zarina Begum Khan ...Appellant

Versus

Maharashtra Housing & Area Devt. Board/Authority ...Respondent

.....

Mr.A.A.Siddique for Appellant.

Mr.A.R.Patil, A.G.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

JANUARY 13, 2006.

P.C.

1. Not on Board. Upon mentioning, taken on Board. Respondent has been duly served through Counsel. Mr.A.R.Patil, A.G.P. appears for

Respondent.

2. This Appeal takes exception to the order passed by the Trial Court dated 9th January 2006. The limited grievance made before this Court is that the Appellant had filed Suit in view of apprehension. However, the Trial Court, by the impugned order, declined to grant ad-interim relief even while adjourning the matter till 17th January 2006 to enable the Defendant to file reply. No reason is recorded by the Trial Court as to why the ad-interim relief is rejected. There is substance in the grievance made by the Appellant that even while rejecting the prayer for ad-interim relief, the Trial Court was expected to record some reason why it was persuaded to take that view.

3. This Court is at loss to know the reason which weighed with the Trial Court in rejecting the ad-interim relief. Instead of keeping the present Appeal pending in this Court, in my opinion, the appropriate course, is to dispose of the Appeal by directing the parties to maintain status-quo with regard to the suit structure for a period of three

weeks from today. In the meantime, the Trial Court may either consider the prayer for ad-interim relief afresh and pass necessary orders by recording reasons for the decision it will reach on the said relief or may dispose of the Notice of Motion finally, if so advised. In the event, the Trial Court is unable to pass order in the above terms within three weeks, it may extend the interim protection granted to the Appellant for such time as it may deem fit and appropriate. Appeal disposed of on the above terms. All questions are left open.

A.M.KHANWILKAR, J.